

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hearings and Enforcement Proceedings
- 2) Code Citation: 11 Ill. Adm. Code 204
- 3) Section Numbers: 204.20 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The Board is amending subsection 204.20(c) because the phrase “or the Board” conflicts with a provision in the Illinois Horse Racing Act.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601

(312) 814-5017

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board did not anticipate the need for this rulemaking at the time the agendas were published.

The full text of the Proposed Amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 204
HEARINGS AND ENFORCEMENT PROCEEDINGS

Section	
204.10	Applicability
204.20	Requests for Hearing
204.25	Requests and Proceedings for Director's Review Conference
204.30	Purse Distribution
204.40	Appointment and Disqualification
204.50	Transcripts
204.60	Appearances
204.65	Discovery
204.70	Service
204.80	Subpoenas
204.85	Proceedings for Hearings Involving Action by the Board
204.90	Proceedings for Hearings Involving Action by Organization Licensees
204.100	Evidence
204.110	Stipulations
204.120	Continuances
204.130	Closing Arguments
204.140	Findings of Fact and Conclusions of Law

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Appeals and Enforcement Proceedings, amended December 30, 1977; codified at 5 Ill. Reg. 10876; amended at 10 Ill. Reg. 3825, effective February 13, 1986; amended at 18 Ill. Reg. 7419, effective April 29, 1994; amended at 22 Ill. Reg. 14494, effective August 1, 1998; amended at 26 Ill. Reg. 10806, effective July 1, 2002; amended at 34 Ill. Reg. 12883, effective August 20, 2010; amended at 37 Ill. Reg. _____, effective _____.

Section 204.20 Requests for Hearing

- a) Any person aggrieved by a final ruling of the Stewards may, as a matter of right, request a Board hearing. The hearing shall be a proceeding de novo.

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- b) All requests for hearings shall:
 - 1) be in writing;
 - 2) contain an address and telephone number where the petitioner may be notified; and
 - 3) identify the Stewards' ruling and state the specific reasons for the request.
- c) Requests for hearing under this Part shall be filed no later than five business days after receipt of notice of the Stewards' ruling, ejection, exclusion or other action of the Board. If the petitioner is the subject of a pre-hearing suspension or exclusion, the Board shall conduct its hearing within seven regular business days after the receipt of the request unless the petitioner ~~or the Board~~ requests a postponement upon and shows good cause shown and ~~the petitioner~~ specifically waives the seven day hearing requirement.
- d) For appeals concerning civil penalties of \$500 or less or disqualifications based on an occurrence in the race such as interference or a claim of foul where no penalty was assessed against the driver or jockey, the petitioner shall be required to submit to a Director's Review Conference conducted pursuant to Section 204.25.
- e) For appeals concerning a suspension, exclusion, civil penalty greater than \$500, redistribution of the purse after the race results have been finalized by the Stewards, or disqualification based on a violation of 11 Ill. Adm. Code 603 (Medication), the petitioner shall be entitled to an administrative hearing pursuant to this Part or shall be given the option of submitting to a Director's Review Conference conducted pursuant to Section 204.25. Should a petitioner request a Director's Review Conference, his or her right to an administrative hearing shall be deemed waived.
- f) Notwithstanding subsections (d) and (e), any single member of the Board may sua sponte direct that any appeal be subject to a formal administrative hearing if the case merits the Board's personal attention.
- g) Requests for hearing may be filed in person at, or by mail addressed to, the Board's office at 100 W. Randolph, Suite 7-701, Chicago, Illinois 60601. Requests submitted by mail will be deemed timely if postmarked no later than

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five business days after receipt of notice of the Stewards' ruling, ejection or exclusion or other action of the Board.

(Source: Amended at 37 Ill. Reg. _____, effective_____)